

# KC

THE KING'S COUNSEL  
MAGAZINE

**SPECIAL EDITION**  
**His Majesty King Charles III**

**SPECIAL REPORT**

**A beginning of a new era  
under the reign of HM King Charles III**

**INTERVIEW**

**His Honour Judge Peter Spiller  
on Dispute Resolution in New Zealand**

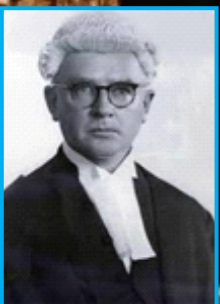


**INTERVIEW**

**Prof. Leslie Thomas KC  
on Justice and Legal Practice in UK**



**A TRIBUTE TO SOUTH AFRICAN LAWYER  
Grant Fischer**



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## EDITORIAL



We are deeply saddened by the demise of **Queen Elizabeth II** who we had the pleasure of featuring on the cover page of our inaugural issue. We dedicated our first issue on her platinum jubilee. We express our condolences to His Majesty King Charles III and the family of Queen Elizabeth II. May her soul rest in peace.

We present a Special Edition on the accession to throne by **His Majesty King Charles III** as the theme of this Magazine is to promote and nurture the English law which is the cornerstone of the legal foundation of the United States and the British Commonwealth. Accession to throne by His Majesty King Charles III is a significant step as everyone believes he has done a tremendous amount of work while being the Prince of Wales and now even more could be expected from him whilst at the helm of the British Commonwealth. We have given a detailed analysis of the work done by HM King Charles III during his tenure as Prince of Wales.

We spoke to **Prof. Leslie Thomas KC**, a Senior KC in England who has represented high profile criminal cases in UK. He is the author of '**Do Right and Fear No one**'. He is an acclaimed expert in claims against the Police and other public authorities. He has given his perspective on criminal practice.

We had the pleasure of interviewing **His Honour Judge Peter Spiller** of the New Zealand Judiciary. His honour has provided his perspective on Dispute Resolution. Before becoming a Judge he had been a Professor of Law at Waikato Law School in New Zealand and had authored several books such as New Zealand Legal Dictionary, Dispute Resolution in New Zealand etc.

We have paid a Tribute to **Bram Fischer** by reproducing a memorial lecture delivered by **President Nelson Mandela**. Bram Fischer was a leading South African lawyer who fought against apartheid in South Africa despite being a lawyer from white community.

We trust we have provided rich sources of legal materials for the benefit of academics and legal practitioners in the British Commonwealth.

**Srinath Fernando**  
**Editor/ Publisher**  
**1<sup>st</sup> October 2022**

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# A beginning of a new era under the reign of His Majesty King Charles III



His Majesty King Charles III has finally taken the reins of authority in England. Perhaps fate had kept him waiting to take the full reins of British and Dominion constitutional authority on governance. His ascendancy to that much exalted position had been long awaited but now realized on the demise of Queen Elizabeth II.

We believe that late Queen Elizabeth II should have conceded the reign of authority and the task at least a decade earlier. HM King

Charles III would have served the interests of Britain and the British Commonwealth much more vigorously than the profile of Queen Elizabeth II. There have been several occasions Commonwealth member countries sought full independence from the British dominion. There is still a visible clamor for full autonomy. HE King Charles III could make a positive contribution to the cohesion within the British Commonwealth through his personal diplomacy and exerting his influence.



He would have undertaken many air miles where his presence was much awaited by the loyal nations who had held together under the Union Jack. His words would have shaped British policy and his influence would have had a positive impact on the way the world is managed. His dedication to promoting sustainability of economic development had been phenomenal. He had often spoken about the threats to small farmers and impact of biodiversity. His contribution to global governance on sustainability is a huge area where he could still do more. He needed that space.

HM King Charles III had often been instrumental in influencing British policy especially on Britain's response and contribution in supporting the efforts of the UN agencies. The British Colonial Government left many countries in the African continent in the midst of rising nationalism. Independence to many countries was granted in the hope countries could be governed 'by themselves' better than British involvement. However the scenario emerged in a different shape and extent where rampant corruption and malnutrition took root instead of development. The development itself was embroiled in controversy where money

allocated for development had not achieved its desired objectives and funds ended up in private banks. Conflicts escalated to civil wars and in some cases full blown wars were waged between the countries where vulnerable communities affected by poverty were displaced due to factionalism and extreme violence.

The barbaric acts of war crimes were committed. Some families and ethnic communities were uprooted and had to seek shelter in any willing country along the borders. The Rwandan crisis was a fitting reminder. HM King Charles III articulated his position at a time when the starvation in the Horn of Africa was the spotlight in the Media. He stressed that the 'Hunger, starvation and livelihood devastation and of course death were very real risks' noting that security remains a critical issue in the Horn of Africa. He drove home the fact that more than 6 million people had faced acute food insecurity in Somalia and most of them had lived in rural areas where hunger levels had spiked owing to heavy losses in crop and livestock production and other sources of food and income of the peasants. His contribution in advocacy in poverty alleviation was exemplary and could still do a much bigger role. HM delivered a well-articulated speech at



Georgetown University on food security a decade or so ago. This was still a serious matter that concerned the Food and Agricultural Organization - FAO of the United Nations.

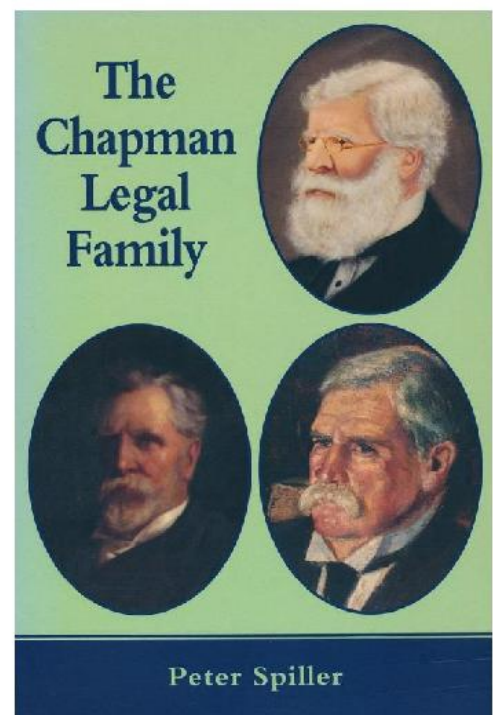
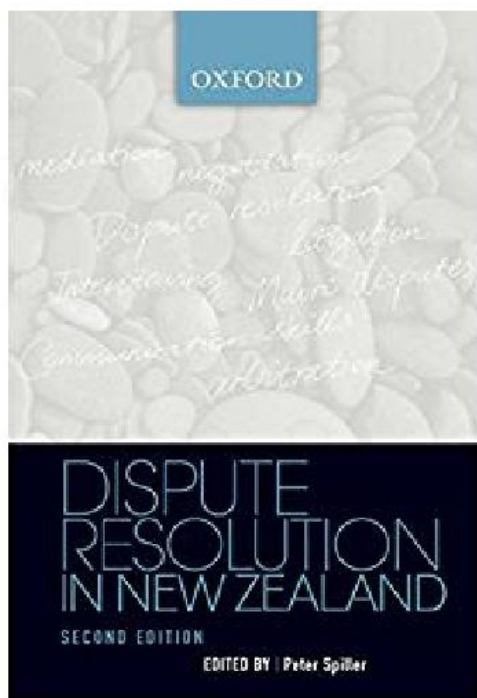
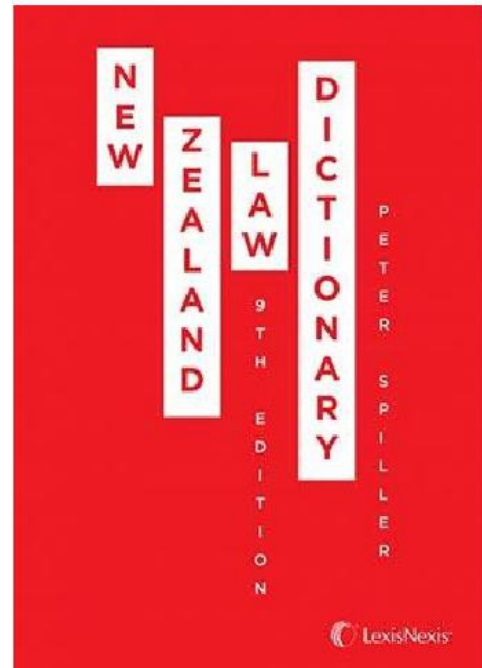
FAO should have been actively involved in mobilizing and galvanizing the states on adopting sustainable agricultural methods. HM King Charles III prophetic words are worth revisiting. He said 'food insecurity is a growing problem. There are also many now who consider that global food systems are well on the way to being in crisis. Yield increases for staple food crops are declining. They have dropped from three per cent in the 1960's to one per cent today – and that is really worrying because, for the first time, that rate is less than the rate of population growth. And all of this, of course, has to be set against the ravages caused by climate change. Already yields are suffering in Africa and India where crops are failing to cope with ever-increasing

temperatures and fluctuating rainfall'. No concrete measures had been taken by the international organizations to deal with potential food shortages even now. The African continent is the most vulnerable. The Covid pandemic too had caused many issues for Middle Eastern countries with oil wealth where they have never geared for a pandemic of this magnitude. His Majesty could still play a pivotal role from the seat of the Throne. Would it be time the United Nations came up with a Global Convention on the Security of Food. A draft convention could be replicated by the member countries and ensure that food security is given preeminence through a domestic law. HM King Charles III can still do a greater job for humanity from an elevated position than what he did from the previous Royal position; perhaps the current Prince of Wales could replicate the efforts and continue the philosophy of HM King Charles III.



# INTERVIEW - HIS HONOUR JUDGE PETER SPILLER

BA LLB PhD Natal LLM MPhil Camb PhD Cant PGCTT Waikato Dip RS Dip SS (CIANZ)



Judge Peter Spiller commenced his career as a law teacher in 1977. He joined the Waikato Law School staff in 1991, and became Chairperson and Professor in 1994.

In 2005 Judge Spiller became the Principal Disputes Referee and served as such until 2010. Since 2009 he has been a Judge of the District Court. In 2014 he was appointed Chairperson of the Immigration and Protection

Tribunal. Judge Spiller has published 10 books, including the New Zealand Law Dictionary and works on New Zealand legal history, the New Zealand Court of Appeal, dispute resolution and the Disputes Tribunals. Further information can be had from [https://www.waikato.ac.nz/law/about-us/staff/honorary/peter\\_spiller](https://www.waikato.ac.nz/law/about-us/staff/honorary/peter_spiller)



## Contact Details

Email: [judge.spiller@justice.govt.nz](mailto:judge.spiller@justice.govt.nz)

**KC The King's Counsel Magazine:** Your honour, we are truly honoured by your consent to have this interview despite the fact that your honour is a sitting Judge of the New Zealand Judiciary. Your honour has been a Professor of Law before becoming a Judge of the NZ Judiciary. Your honour has authored several authoritative books such as New Zealand Law Dictionary, published by Butterworths/LexisNexis, Dispute Resolution in New Zealand published by Oxford University Press, A New Zealand Legal History published by Brookers, Disputes Tribunals of New Zealand published by Brookers, and Chapman Legal Family published by Victoria University Press. This is quite a remarkable achievement by an academic and a Judge. Could your honour tell us how has it been since being a Judge - after spent having spent so many years as a Law Professor? Have you been able to see law and practice of law differently from a judicial perspective?

**His Honour Judge Peter Spiller:** Being a Judge has been a learning experience for me, as to the practical and procedural aspects of law and how the theory of the law is applied in practice. This has been a most interesting and valuable experience, especially because law is essentially an applied discipline, involving issues that affect people's lives. My work as an academic has been helpful in sifting through issues, researching the law, and drafting written decisions.

**KC The King's Counsel Magazine:** Your honour has published New Zealand Law Dictionary, could you tell us what is so different from English Law as practiced in UK and New Zealand Law where do you find the most differences. Is there a different genre in the way English is interpreted and adopted in New Zealand? I know there have been significant

developments in the way New Zealand Supreme Court NZSC has interpreted English law and there have been a number of landmark cases decided by the NZSC. Was it really for adoption of English law to suit New Zealand circumstances or does your honour have a different theory on this?

**His Honour Judge Peter Spiller:** English law forms the foundation for much of the common law of New Zealand, particularly in areas such as criminal law, contract and tort law and equity. However, inevitably, New Zealand has adapted the law to suit the local environment, especially by way of statute, and some divergences have resulted.

**KC The King's Counsel Magazine:** As regards dispute resolution in New Zealand, your book is an invaluable asset to any practitioner on the niceties of ADR. Does your honour believe that people have increasingly sought remedies outside the Judicial system and whether it has really achieved the ambit of statute law on arbitration. Is there a visible trend that people have resorted to ADR/ Arbitration in terms of avoiding cost of litigation and simplicity in ADR/ Arbitration compared to normal judicial proceedings.

**His Honour Judge Peter Spiller:** In civil law proceedings (involving for example contractual disputes), there has been a marked trend towards trying to resolve matters through judicial settlement conferences. In criminal law proceedings, restorative justice has played a valuable role in involving victims and confronting wrongdoers with the consequences of their actions, thus sometimes resulting in constructive outcomes. The high costs of litigation, in terms of time, money and personal resources, have led to an increasing number of people representing themselves, and care needs to be taken that they



understand the proceedings in which they are engaged.

**KC The King's Counsel Magazine:** Do you find there are still law reforms needed to deal with ADR/ Arbitration practice in New Zealand if so in which specific areas?

**His Honour Judge Peter Spiller:** Greater attention and resources could be given to areas such as restorative justice conferences.

**KC The King's Counsel Magazine:** You have dedicated a Chapter on Maori indigenous issues. How would you explain to a non-New Zealander as to the issues concerning Maori community and how are they being dealt by the New Zealand statute law and by the social settings. I was glad to see that the editor had ensured that this important chapter was written by Maori people and therefore enabled Maori control of the discourse.

**His Honour Judge Peter Spiller:** The Treaty of Waitangi, signed in 1840 by representatives of the British authorities and Māori chiefs, has assumed an increasingly prominent place in New Zealand law, especially areas of public law. References to the Treaty have been increasingly common in statute law and judgments, and the Waitangi Tribunal and Māori Land Courts are important features of the New Zealand judicial hierarchy.

**KC The King's Counsel Magazine:** You have written sort of a biography of Chapman Legal Family, what drove you to undertake research on this family. What have you discovered in this investigative journalism into a family that has had a profound influence in the legal culture of New Zealand?

**His Honour Judge Peter Spiller:** I was very fortunate, when living in Christchurch, to befriend the granddaughter of Sir Frederick Chapman, as she possessed a treasure trove of letters and other documents relating to the Chapman legal family (also comprising Frederick's father Henry and brother Martin). Henry and son Frederick both served as judges in New Zealand, and Martin founded one of the most prominent legal firms here. The story of the Chapmans conveys the message that intelligent, hard-working gifted individuals can make a valuable contribution in a new, developing environment, making the most of the opportunities that arise.

**KC The King's Counsel Magazine:** How would you compare the New Zealand's Parliamentary Sovereignty in terms of the developments in UK? Do you see New Zealand's Bill of Rights had produced a significant change to the old order of the parliamentary sovereignty and whether it has helped people to seek quality justice?

**His Honour Judge Peter Spiller:** New Zealand's Bill of Rights has exercised an important influence in areas of public law and criminal law, and helped to engender greater accountability in those who police and administer the law. However, New Zealand's Bill of Rights is not as powerful as the equivalent in countries such as the USA, and the doctrine of parliamentary sovereignty remains a very significant feature of the New Zealand legal landscape.

**KC The King's Counsel Magazine:** I may digress slightly to Public Law of New Zealand, I understand that New Zealand does not have a written constitution but governed by conventions set by laws, colonial laws and in most cases the laws must be consistent with the New Zealand Bill of Rights. What this underscores is that Rights of People must be given preeminence not really the Parliamentary Sovereignty as



interpreted and understood in the context British Westminster system. Would your honour please expatiate on this matter?

**His Honour Judge Peter Spiller:** There will always be a tension as to the appropriate balance to be struck between the rights of individuals and what Parliament sees to be the greater good, particularly in areas like public law. Some of these tensions have been strikingly evident during the period of Covid-19 restrictions since March 2020.

**His Honour Judge Peter Spiller:** Finally your honour, what are your thoughts on the role of a Judge dispensing justice.

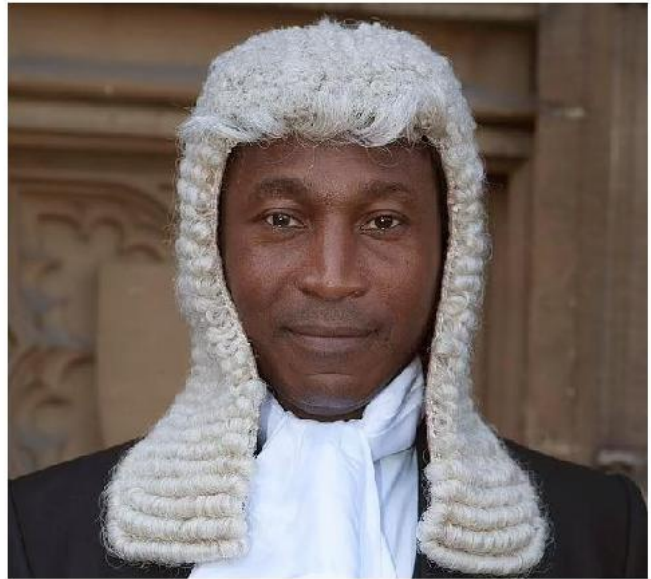
**His Honour Judge Peter Spiller:** I, like other Judges, are sworn to do justice according to the law, in an unbiased way. Our oath of office means that we must conduct matters with procedural fairness, an open mind, conscientious attention to the facts, and an eye to the expeditious dispatch of business. The law, particularly that expressed in statute, must be observed as a reference point and framework for decision-making. Within this framework, the Judge will strive to provide even-handed and humane justice to the people involved. The Judge must treat each litigant with respect and remember that, however many cases the Judge is required to decide, each case is of unique importance to the individual litigant.

**NOTE;** The views expressed by His Honour Judge Peter Spiller are for academic purposes only, hence must not be quoted in public debates on issues surrounding NZ law and practice without the express permission from His Honour Judge Peter Spiller.

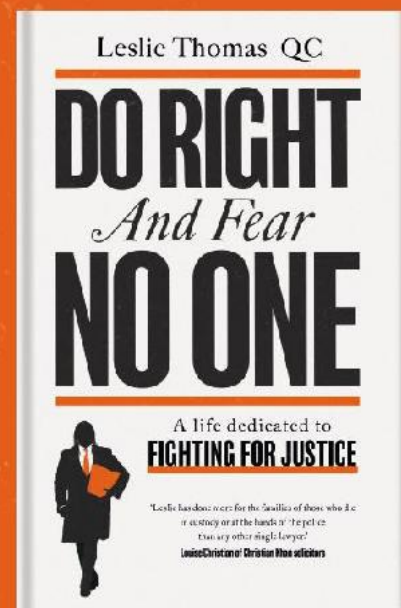
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## INTERVIEW- PROF. LESLIE THOMAS, KC



**'If deaths are not investigated, then the authorities cannot be held to account and democracy is threatened. And if deaths are not investigated, we are not a society that values human life.'**



Prof. Leslie Thomas KC is a leading expert in claims against the police and other public authorities, and claims against corporate bodies, with expertise across the full spectrums of civil wrongs, civil litigation, human rights, data and privacy claims. He is an expert in all aspects of inquests and public inquiries, having represented

many bereaved families, in particular where there has been abuse of state or corporate power. Leslie acts for claimants in judicial review proceedings and other public law proceedings. He regularly acts for clients in the Caribbean region on constitutional law challenges. He has represented claimants in clinical



negligence and personal injury claims for the last 20 years. Leslie is currently Professor of Law at Gresham College delivering his lecture series *Death, The State and Human Rights*.

Leslie has a UK-wide reputation in civil liberties and human rights. He has acted as counsel and advocate in dozens of high-profile Article 2 inquiries, such as the Grenfell Tower Inquiry, Independent Inquiry into Child Sex Abuse, Carl Sargeant inquiry, the legacy cases involving the Provisional IRA and the Anthony Grainger and Azelle Rodney inquiries. His expertise, adroit handling of sensitive matters and dedication to vulnerable clients are widely acknowledged across the country. Leslie's UK-wide practice in civil liberties, police law and inquests has made him the go-to specialist for deaths in custody, shootings, pursuits and restraint deaths. As a result of his expertise and adroit handling of sensitive matters, Leslie was instructed in high-profile cases such as the Birmingham Pub Bombing inquest, Kevin Clarke inquest, Sean Rigg inquest, Hillsborough disaster inquest, Mark Duggan inquest, the legacy cases involving the Provisional IRA and Christopher Alder inquest. Leslie's notable experience in ECHR, judicial review and privacy matters proceedings is widely acknowledged in the marketplace. His UK-wide practice in police law this has made him the go-to specialist for deaths in custody, shootings, pursuits and restraint deaths. As a result of his expertise and adroit handling of sensitive matters, Leslie was instructed in a number of high-profile cases *Clifford v Hertfordshire Police*, *R (on the application of Lee) v CC Essex Police*, the legacy cases involving the Provisional IRA. Leslie's notable experience in ECHR, judicial review and privacy matters proceedings is widely acknowledged in the marketplace. He has notable

experience in public law challenges and judicial review of powers of public bodies such as the police, and he often leads on test cases on human rights, policing and privacy. Leslie has been representing inhabitants of the island of Barbuda in several challenges against the state including a constitutional challenge against the government of Antigua in relation to the Barbudan's rights to their land. A judicial review under the Antiguan Planning legislation and he has sought an injunction against the airport authorities in Antigua and Barbuda preventing the construction of an international airport.

#### **KC The King's Counsel Magazine:**

Professor Leslie Thomas QC, we have had the benefit of reading your profile and we are truly impressed by the work you have undertaken especially in the civil liberties and human rights field. You have authored a book on **Do Right and Fear No One** published by Simon and Schuster. What made you to pen a book on this motivational topic?

**Prof. Leslie Thomas KC:** I thought it important to document my struggle to get where I am today. All too often, people make assumptions about your journey especially if you are a successful lawyer. I thought by writing down the tribulations I faced it might inspire others particularly those from less well off backgrounds to look at the law as something they might want to do and know that if someone like myself can make it, perhaps they can.

#### **KC The King's Counsel Magazine:**

Does the title of the book have any undertones to your professional responsibilities towards the victims or rather was it that you were fighting for the right of the underdog and holding



the State accountable for its omissions and commissions.

**Prof. Leslie Thomas KC:** Yes, it does. The title of the book comes from the Garden Court Chambers motto, which was actually the idea of Owen Davies QC our former head of chambers. Garden Court prides itself on holding power to account often against the odds. Yes, representing the small person against the might of the state. This is not easy work, my cases for example are frequently poorly paid and difficult to win. But someone has to fight these causes, because there is usually so much at stake for the clients. It is however very rewarding work to do.

**KC The King's Counsel Magazine:** Could you please tell us how you began your career and why you chose law as being your preferred area of work.

**Prof. Leslie Thomas KC:** I started in a commercial set of chambers after law school. It wasn't so much by design or thought if I am being honest. I was considered to be talented at law school, and my head of the law school arranged a tenancy with a friend of his because he believed I deserved a chance. This is something that would be unheard of today, but the old boys network worked in my favour. I knew no one in the field of law, and was grateful for the opportunity. So I embraced it with open arms. Whilst doing this commercial training I however, became disheartened, because the clients I wanted to represented were not huge corporate entities but ordinary everyday people with ordinary everyday legal problems. So when I got the chance to do more

law with a human side to it I jumped at the opportunity. That opportunity came when I met Lord Gifford and he invited me to join his chambers. I think he was impressed by my passion and commitment to causes he could relate to. He told me to follow my heart so I did.

**KC The King's Counsel Magazine:** What were your experience working with Lord Gifford QC and what the inspiration you derived from him?

**Prof. Leslie Thomas KC:** Tony Gifford is an incredibly kind hearted man and amazing advocate of the highest level. I was so proud and fortunate to be working in a set of chambers with such inspirational and gifted lawyers. I learned so much from my days there. I learned the importance of not giving up and fighting where most others would give up. My teachers from Gifford's set showed me that if you push hard enough at a legal point you will eventually break through. This lesson has stayed with me throughout my career. On top of that I also learned the lessons of compassion and humility. Two traits that Tony Gifford QC had an abundance of.

**KC The King's Counsel Magazine:** As a leading KC from the Black community, what issues did you have to confront in UK in terms of fighting racism and fighting the class issues. Has the society come of age or are there still remnants of racism visible in UK.

**Prof. Leslie Thomas KC:** I wish I could say that racism was a thing of the past, and that things were very different 30 years ago when I embarked on my career than they are today. But that would be to close my eyes to the realities of what continues even today.



It is true that the discrimination is not as blatant and 'in your face' as it was when I started and we should be happy about that. But in many ways, things have hardly changed. There are no black judges in our Supreme Court or Court of Appeal. Black advocates, especially Black women are treated particular badly in court. In every recent survey in the UK, Black women, earn less than their white counterparts, are offered the less 'juicy' briefs, are more likely to be bullied and the subject of harassment. This is just in the legal profession. When I started at the bar and went into court it was always assumed I was anyone but the advocate. Sadly many young advocates of colour recount similar stories today. Then when one looks at wider society particularly in the aftermath of the death of George Floyd so brutally murdered on camera by police officers in the States, Black men, are still more likely in the UK to be the subject of discriminatory stop and searches, and die in disproportionate numbers when in custody or being taken into custody. So to my mind things are just as bad.

**KC The King's Counsel Magazine:** Professor, you have had involvement in representing victims of miscarriage of justice especially involving the Inquests and Police mishandling. Why do you think UK Police are not adhering to civil liberties? Did you find any evidence of UK Police being irresponsible for the civil liberties of subjects, despite the fact that UK was part of EU and bound by the European Convention of Human Rights?

**Prof. Leslie Thomas KC:** There is no easy or simple answer to this question.

What I would say is generally across police forces in the UK there is a problem with institutional or structural racism. Ways of thinking and doing things that are entrenched that they are part of the fabric of policing. That thinking includes stereotyping of people of colour particularly members of the Black community. To solve the problem is not something that individuals can do on their own. It isn't a case of a few bad apples, the whole orchard needs to be fumigated. When this is realized and accepted the problem can begin to be addressed. The difficulty is in the UK police forces are very slow to want to accept there is a problem with institutions. And you can't fix things if you deny there is a problem.

**KC The King's Counsel Magazine:** What is the role of the Independent Police Complaints Commission and has there been a success of the legislative ambit of this Commission. What difficulties have you had to confront dealing with Police in general and with the IPCC?

**Prof. Leslie Thomas KC:** Our Police Complaints Commission has undergone many changes in the last 20 years, it is now called the Independent Office of Police Conduct or IOPC. I do not think it has been particularly successful in rooting out police misconduct or corruption essentially because it has been too cautious and fearful that it is seen to be taking on the police in some of these big cases it will be considered as anti-police or a body which lacks independence. In other words, from my point of view it often goes too easy on the police where I believe it would be justified in being more robust. It isn't because the legislative ambit is



lacking, it is more to do with mindset. I have been involved in many cases where the IOPC have given the police a clean bill of health only to have their decision been shown to be poorly taken in subsequent litigation. Many of my clients have little confidence that the IOPC will deliver justice.

**KC The King's Counsel Magazine:** You have also been a volunteer in Human Rights and Civil Liberties issues. What are your current engagements on this front? Do you think people should be more vigilant about their rights and more social engagement is required in this area?

**Prof. Leslie Thomas KC:** We all have to get involved in the protection of our fundamental rights. It is something I have been involved with since the start of my career, where I use to volunteer my time at several law centres most evenings of the week, and work full time during the day. This is particularly important in a time of high inflation and austerity cuts. The first thing that is attacked is normally legal aid funding. In the UK now for the vast majority of people there is no civil legal aid, you have to be particularly vulnerable and have low earnings and no savings to qualify. This does not mean that the state will not try to take advantage of individual rights. These are under attack all the time which is why it is so important for those of us who can assist those less fortunate than ourselves to step forward and help with our time, advice and skillsets. When these rights get eroded it affects us all.

**KC The King's Counsel Magazine:** Has there ever been any evidence of Police brutality within the Police cells and

interrogations, custodial deaths etc. You have hands on experience working on Police inquests especially on the high profile Provisional IRA cases and other cases where there had been press coverage. What is your prognosis for issues surrounding police brutalities? Does the law adequately cover remedies for police brutalities etc.?

**Prof. Leslie Thomas KC:** I have done many cases where I believe the police have acted with brutality, and I touch upon many of these cases in my book 'Do right and Fear No One'. I think the law is a blunt weapon and does not provide adequate remedies at times for victims of police misconduct. One obvious example is if a client sues the police say for a violent assault yes, the client might get compensation but often clients want a day in court to have the police account for their actions publicly before the court, with perhaps some sanction against the officer in question. This is often not the case if the police decide to settle the case with a payment of compensation. In civil disputes the remedies do not include sanctions such as police officers losing their jobs, and if a sufficiently large payment is made then the case will never go to court. So the client will feel that the police have escaped public scrutiny and often the client will be right.

**KC The King's Counsel Magazine:** Finally Professor, what advice would you give to a young Barrister in terms of developing the skills of advocacy and the art of cross examination.

**Prof. Leslie Thomas KC:** The first thing, which all lawyers need to do is to prepare and prepare well it is so



important to know your materials inside out. This is the starting point. Beyond that I would say to a young advocate find a good mentor, someone willing to share their time with you and give you advice on how you can improve. And if this is not possible to go to court and watch attentively. I did this in my early days I would watch what I considered to be good and bad advocacy and ask myself questions why I believed something worked or did not work. Sometimes this is not easy to articulate and requires deep thinking and insight. But good advocacy can be learned it is not something that we are born with and with patience, time and lots of repetition we can all become good advocates.

Prof. Leslie Thomas KC: I have done many cases where I believe the police have acted with brutality, and I touch upon many of these cases in my book 'Do right and Fear No One'. I think the law is a blunt weapon and does not provide adequate remedies at times for victims of police misconduct. One obvious example is if a client sues the police say for a violent assault yes, the client might get compensation but often clients want a day in court to have the police account for their actions publicly before the court, with perhaps some sanction against the officer in question. This is often not the case if the police decide to settle the case with a payment of compensation. In civil disputes the remedies do not include sanctions such as police officers losing their jobs, and if a sufficiently large payment is made then the case will never go to court. So the client will feel that the police have escaped public scrutiny and often the client will be right.



## The British Parliament extends its sympathies to the Royal Family



The British Parliament extends its sympathies to the Royal Family

**The House of Commons, the House of Lords and everyone at UK Parliament extend their sympathies to the Royal Family.**

**Statement from the Speaker of the House of Commons, The Rt Hon. Sir Lindsay Hoyle:**

'For all of us, the Queen has been a constant presence in our lives – as familiar as a member of the family, yet one who has exercised a calm and steadying influence over our country. Most of us have never known a time when she was not there. Her death is not only a tragedy for the Royal family, but a terrible loss for us all.

During her 70 years on the throne – and even before that, as a teenager, reassuring and engaging with children and families disrupted by the Second World War – she has given our lives a sense of equilibrium. While her reign

has been marked by dramatic changes in the world, Her Majesty has maintained her unwavering devotion to the UK, the British Overseas Territories and the Commonwealth of Nations - and her gentle authority and sound reason have been felt throughout.

She has travelled the world extensively, modernised the Royal family, and is credited with inventing the royal 'walkabout', which enabled her to meet people from all walks of life during her visits. As Head of State, she has provided advice and the benefit of long experience to 15 prime ministers during her reign – and met more than a quarter of all the American presidents in the history of the US. The Queen has been involved in everything that is important to us and which makes us who we are - from state occasions to Royal weddings, and especially at Christmas, with her wise words and reflective annual message. She has been a mother, grandmother and great-grandmother - but she has



been our Queen, and we will miss her beyond measure.'

**Statement from the Lord Speaker, The Rt Hon. Lord McFall of Alcluith:**

'Following the death of the Queen, Her Majesty Queen Elizabeth II, the nation and the whole Commonwealth is united in deep mourning.

For 70 years she has been a loyal and steadfast presence in the national life of the United Kingdom. Her integrity, unique record of public service, deep sense of faith and commitment to her role have ensured that she will be regarded as a supreme example of a constitutional Monarch. Her vital relationship with our Chamber, where the three elements of Parliament come together during the State Opening, ensures that she will be forever

remembered and cherished by the House of Lords. Today my thoughts, and indeed those of the whole House, will go out to His Majesty the King and to the members of the Royal family, for whom this feeling of loss will be profound.

Today the nation reflects on the service Queen Elizabeth II gave to the Crown and to her people, and gives thanks for her life.

Members may wish to be aware that information about arrangements for the House will be issued by Black Rod and the House authorities shortly.

In fondest remembrance of a Queen dedicated to Her nation and Her people.'

Reference;

<https://www.parliament.uk/business/news/2022/september-2022/parliament-following-death-of-queen-elizabeth-ii/> Picture Source; Royal.uk



# A TRIBUTE TO SOUTH AFRICAN FREEDOM FIGHTER BRAM FISCHER



## Address by President Nelson Mandela at official opening of the Bram Fischer at the Legal Resources Centre

National Director of the Legal Resources Centre; Members of the Fischer family; Dr Bill Venter; Distinguished guests; Ladies and Gentlemen.

It is just over a year since I had the privilege of giving the first Bram Fischer Memorial Lecture. That helped initiate an institution through which South Africans can pay fitting homage to a great South African by addressing fundamental issues of law and society. Today we give further recognition to one whose contribution to our nation was bound up with the law, and yet who died a convicted prisoner. In a letter to the magistrate Bram Fischer explained why he would not stand trial but go underground: "If by my fight I can encourage even some people to think about, to understand and to abandon the policies they now so blindly follow, I shall not regret any punishment I may incur. I can no longer serve justice in the way I have attempted to do during the past thirty years. I can do it only in the way I have

now chosen." Dit is een van die tragiese ironieë van ons geskiedenis dat soveel volksgenote, wie se lewe aan die reg toegewy was, gedwing is om wetsoortreders en verstoteling in hul eie land te word. Bram Fischer het die gevolge van hierdie besluit egter sonder huiwering en onverskrokke aanvaar. Bram is voor 'n nog meer pynlike keuse gestel. Sy lodsbesluit het hom in stryd met sy eie Afrikanervolksgenote gebring en het tot sy uiteindelijke verwerping gelei. Bram het hierdie besluit nie as verraad teen sy eie mense gesien nie - intendeel, hy het homself as 'n Afrikaner en 'n patriot sonder voorbehoude aan die stryd om die vryheid van alle Suid Afrikaners toegewy. Danksy die bereiking van demokrasie in ons land word ons mense nie meer voor sulke ingrypende keuses gestel nie. In die proses van die opbou van ons Reenboognasie word hierdie vryheid aan elkeen, insluitende die Afrikaners, om volle lidmaatskap van beide ons kollektiewe



gemeenskap en die Suid-Afrikaanse nasie gewaarborg.

Ladies and gentlemen;

Having achieved the freedom for which Bram Fischer gave so much, we can pay tribute to his dedication to both law and justice, without any sense of conflict. The law library of Bram's grandfather Abraham Fischer; the books of his father Percy Uhlrig Fischer; and his own books are now housed in the Legal Resources Centre, to which Bram's daughters Ruth and Ilse generously donated his collection of books. It is in honour of Bram that we are gathered here today - to name this library after him. Those of us who knew him are certain that he would be pleased that his books are now housed here. For the past seventeen years, the Legal Resources Centre has promoted the cause of human rights in South Africa. It served the disadvantaged people of our country, by challenging the infringement of their human rights. The series of major test cases against the pass laws did not only benefit vast numbers of people by expanding their freedom of movement, but they also contributed to the repeal of the pass laws. The Centre's legal representation and assistance to communities resisting forced removal and dispossession helped many communities, and was itself a part of the resistance to a keystone of apartheid.

A major part of its work was representing victims of apartheid's vicious and brutal repression, and helping to expose what was happening in our country. While the cases undertaken by the LRC have greatly benefited very many of our people, the overall importance of its work has been even greater than the sum of the cases. The Centre helped to keep alive the ideal of justice through

the rule of law, a fundamental element of democracy.

With the transformation of the legal and constitutional structure of South Africa, new challenges have arisen. Having made an exceptional contribution to the achievement of human rights and fundamental freedoms, the Centre continues to lend strength to the Rule of Law and help nurture a human rights culture. In doing so it helps to ensure that the ideals inscribed in our Constitution will become real in the lives of all South Africans.

Although our new democratic government was given notice that we could expect LRC scrutiny and challenge, we were in the same breath offered the generous assistance of its lawyers when drafting the new human-rights friendly legislation. This has included work on the law which is now helping to heal our nation through the Truth and Reconciliation Commission. It also includes work on legislation for the restitution of land taken by forced removals. The Centre has contributed to the administration of justice by giving up its founding national director, Arthur Chaskalson, to the Constitutional Court. His successor, Geoff Budlender, has been appointed Director-General for Land Affairs. No less than five of the persons recently appointed to the bench have worked and received some of their training at the LRC. Constitutional rights will be of little value unless bodies like the LRC are prepared to assist in the interpretation of our Constitution, in the protection and enforcement of rights enshrined in the Bill of Rights and in the general education of South African society. Our people need to be confident that they will always be able to find representation against anyone who



abuses authority, including  
functionaries in government.

I am therefore pleased to be associated with the Legal Resources Centre, and with its library that houses Bram Fischer's books as well as documents associated with the Rivonia trial which Joel Joffe safeguarded for so long and presented to me at the first Bram Fischer Lecture. We are all indebted to Dr. Bill Venter, the executive chairman of the Altron Group of Companies, for

refurbishing the library into its present state. Such actions help lessen the Centre's previous dependence on funding from overseas donors. They also strengthen the partnership of South Africans from every sector of society in strengthening the culture of human rights.

It gives me great pleasure to declare the Bram Fischer Library of the Legal Resources Centre open.

Issued by: Office of the President

Source: [South African Government Information Website](https://www.southafrican.gov.za/pressroom/2019/09/27/bram-fischer-library)

Picture Source; <https://www.news24.com/news24/community-newspaper/express-news/exhibition-to-relive-brams-legacy-20191210>

27 September 1996

# **CONSULTATIVE LOBBYING ON YOUR BEHALF**



**MONITORING THE INTEGRITY OF BRITISH AIRWAYS AND UK AIRPORTS. THESE TWO ENTITIES HAVE SERVED GREAT BRITAIN OVER A CENTURY. BILLIONS OF PASSENGERS HAVE FLOWN WITH BRITISH AIRWAYS AND HAVE USED HEATHROW AIRPORT FACILITIES.**

**Would you be interested in us intervening on your behalf over a dispute with the British Airways PLC or with UK Civil Aviation Authorities on any matter concerning your business travel, cargo or any other contract services? If you are not satisfied with the service rendered by British Airways PLC please do write to us and we will mediate on your behalf. The Magazine will be a prime source of raising the awareness on contractual and public law obligations and help precipitate action from the concerned parties. This is purely an effort at lobbying. We will lobby the policy makers and the legislators on matters that strike at the heart of the travel industry. British Airways is at the forefront of public diplomacy of the United Kingdom. You would be required to send us a detailed report on the issues you have confronted and why you think you have been let down, inconvenienced or unfairly treated. We would be pleased to lobby the Airline, Heathrow Airport Ltd and the British Government on your behalf.**

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## **CONSULTATIVE LOBBYING ON YOUR BEHALF**



### **MONITORING THE INTEGRITY OF AIR CANADA.**

**AIR CANADA HAS SERVED CANADA NEARLY A CENTURY. BILLIONS OF PASSENGERS HAVE FLOWN WITH AIR CANADA AND HAVE USED CANADIAN AIRPORT FACILITIES.**

**Would you be interested in us intervening on your behalf over a dispute with Air Canada or with Canadian Airports Authorities on any matter concerning your business travel, air cargo or any other contract services? If you are inconvenienced or not satisfied with the service rendered by Air Canada please do write to us and we will mediate on your behalf. The Magazine will be a prime source of raising the awareness on contractual and public law obligations and help facilitate action from the concerned parties. This is purely an effort at lobbying. We will lobby the policy makers and the legislators on matters that strike at the heart of the travel industry and public diplomacy of Canada. Air Canada is at the forefront of public diplomacy of Canada. You would be required to send us a detailed report on the issues you have confronted and why you think you have been let down, inconvenienced or treated unfairly. We would be pleased to lobby Air Canada, Canadian Civil Aviation Authorities and the Government of Canada on your behalf.**

**The Air Canada / Canadian Civil Aviation Consultative Lobby**

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# **CONSULTATIVE LOBBYING ON YOUR BEHALF**



## **MONITORING THE INTEGRITY OF QANTAS AIRWAYS AUSTRALIA.**

**QANTAS AIRWAYS HAS SERVED AUSTRALIA NEARLY A CENTURY. BILLIONS OF PASSENGERS HAVE FLOWN WITH QANTAS AIRWAYS AND HAVE USED AUSTRALIAN AIRPORT FACILITIES.**

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**SPECIAL MESSAGE TO THE PRESIDENT OF  
THE UNITED STATES OF AMERICA JOE BIDEN ON  
NATIONAL SECURITY OF CANADA, UK, NATO, ISRAEL, INDIA, JAPAN, SOUTH  
KOREA, AUSTRALIA AND NEW ZEALAND**

Dear Mr. President,

The invention of hypersonic missiles by the perceived enemies of the United States would be a huge national security concern. The speed with which they are delivered will wreak havoc resulting in breaking the constitutional order of the United States which it had cherished for two centuries. The attack on the U.S. satellite communication facilities in space could be the first strike option against the U.S. It could cut off the President of the U.S from the Nation, from the Military Commanders and the civil government as a result you will not be able to communicate with U.S allies viz., Canada, UK, Europe/ NATO, Israel, Japan, South Korea, India, Australia, New Zealand, and elsewhere. Your position as Commander-In-Chief of the U.S forces would be meaningless if you are unable to communicate with the Nation. The key allies of the U.S., would lose confidence in your ability to wage a coordinated battle against the perceived enemies. The authoritarian regimes in the World would feel triumphant and forge new strategic alliances.

We, KC - The King's Counsel Magazine, call upon you to immediately appoint a Presidential Commission to inquire into the efficacy of the U.S constitution and whether it should be suitably revised or amended to deal with the new threats. This will ensure that the security of the strategic allies of the U.S too is guaranteed in case such an eventuality takes place.

**OVER TO YOU MR. PRESIDENT**

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